

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 2:09-CR-068
v.	*	SECTION: "J"(5)
ANTOINE ATTAWAY	*	VIOLATION: 18 U.S.C. §1341
	* * *	

FACTUAL BASIS

Should this matter have gone to trial, the Government would have proved beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits including the testimony of special agents of the Federal Bureau of Investigation ("FBI"), inspectors from the Postal Inspection Service, employees of the American Red Cross ("Red Cross") and others, the following facts to support the allegations charged by the United States Attorney in the Bill of Information now pending against the defendant, **ANTOINE ATTAWAY**.

An employee of the Red Cross would testify that in the weeks and months after Hurricane Katrina, which struck southeastern Louisiana on August 29, 2005, the Red Cross maintained disaster recovery centers to assist victims of Hurricane Katrina. Through these recovery assistance efforts, the Red Cross provided financial assistance to residents displaced or otherwise affected by Hurricane Katrina. People affected by the storms were able to apply for a one-time only financial grant of up

to \$1,565 from the Red Cross. In order to receive these funds, applicants needed to present identification to a Red Cross representative that indicated residence in an affected zone. Applicants were also required to swear and attest that they had not received any undisclosed additional American Red Cross financial assistance at any other Red Cross assistance location.

Paychex, Inc., a Rochester, NY-based company that had volunteered its services to the Red Cross, processed personal checks to applicants as deemed appropriate and authorized by the Red Cross. These checks were processed and issued to applicants via the United States Postal Service.

Competent testimony would be introduced that once approved, the Red Cross made these disaster assistance funds available in one of a number of ways: (1) a Red Cross-issued “Client Assistance Card,” which the Red Cross purchased from national banks and which operated in a manner consistent with debit/credit/ATM cards, issued on-site or mailed, then activated by the applicant after approval; (2) a Red Cross-issued “Discover” card, issued on-site or mailed, and activated via phone by the applicant; (3) a Red Cross-issued “Capital One” card, issued on-site or mailed to the applicant; (4) a Red Cross-issued “Visa” card, delivered on-site or mailed to the applicant; (5) a personal check made payable to the applicant by Paychex, Inc., mailed to the applicant via the United States Postal Service from New York; (6) a Western Union money wire, sent to the applicant at local Western Union outlets; (7) a personal check made payable to the applicant, authorized by the Red Cross, and delivered on-site or mailed through the United States Postal Service to an address provided by the applicant; (8) a Traveler’s Check made payable to the applicant and delivered on-site; (9) a money order delivered to the applicant on-site; (10) a disbursement order, which include instruments that could be cashed at a bank or used to purchase goods and services at stores and hotels, delivered to the applicant on-site; or (11) cash, delivered on-

site to the applicant.

Testimony by an employee of the Red Cross and admissible exhibits would be introduced to prove that the defendant, **ANTOINE ATTAWAY**, presented himself to Red Cross assistance centers on three (3) occasions between on or about September 14, 2005 and on or about October 25, 2005. During his visits where he applied for financial assistance, **ANTOINE ATTAWAY**, the defendant, falsely and fraudulently stated that he had not received any other financial assistance from the Red Cross. As a result of these three applications, **ANTOINE ATTAWAY** received direct financial assistance from the Red Cross totaling \$3,795.00, of which \$3,130.00 was obtained by fraud. Competent testimony and admissible exhibits would be introduced to prove that one of the three occasions that **ANTOINE ATTAWAY** applied for assistance was on or about October 25, 2005, when the defendant applied for and received a personal check authorized by the Red Cross and issued through the United States Mail by Paychex. Further testimony by employees of the Red Cross would be introduced to prove that the defendant was required to attest and affirm that he had not received any other financial assistance at any other Red Cross assistance center. Exhibits, including the defendant's Red Cross application from October 25, 2005, would be introduced to show that the defendant specifically attested and swore that he had not received any other financial assistance from the Red Cross when, in fact, he knew he had received such assistance on several occasions prior to October 25, 2005.

Testimony and exhibits would be presented to show that this Paychex, Inc. check was mailed as a result of the defendant's application at a Red Cross assistance center on October 25, 2005. An employee of Paychex would be called to testify as to the procedures and means by which the check, in the amount of \$1,565.00 and numbered 1044000203, came to be sent, through the United States

Mail, to **ANTOINE ATTAWAY**'s address of P.O. Box 1233, Natalbany, Louisiana 70451, in the Eastern District of Louisiana. Through this witness, certain documents and exhibits would be offered and introduced into evidence to prove that the defendant's fraudulent application and actions directly led to the mailing of the check.

READ AND APPROVED:

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ANTOINE ATTAWAY (Date)
Defendant